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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05 CV 01114 JW MDL No. 1665 JOINT CHART OF THE PARTIES' PROPOSED DEFINITIONS FOR CLAIM TERMS FROM THE '992 AND '275 PATENTS DATE: June 2, 2006 TIME: 9:00 A.M. CTRM: Hon. James Ware

The parties to this action hereby submit the attached chart showing each party's currently proposed constructions for the claim terms of the '992 and '275 patents to be addressed in the parties' legal briefs and at the June 2, 2006 Markman hearing.

The attached chart has three columns – one showing Plaintiff Acacia's proposed constructions, one showing the proposed constructions of the Round 1 and Round 2 defendants,[1] and one showing the proposed constructions of the Round 3 New York defendants.[2], [3]

[1] The Rounds 1 and 2 Defendants are the Cable, Satellite, and Internet defendants whom Acacia sued in the first two rounds of complaints. The Rounds 1 and 2 Defendants are: Comcast Cable Communications, LLC; The DIRECTV Group, Inc.; EchoStar Satellite LLC; EchoStar Technologies Corp.; Charter Communications, Inc.; Armstrong Group; Block Communications, Inc.; East Cleveland Cable TV and Communications LLC; Wide Open West Ohio LLC; Massillon Cable TV, Inc.; Mid-Continent Media, Inc.; US Cable Holdings LP; Savage Communications, Inc.; Sjoberg's Cablevision, Inc.; Loretel Cablevision; Arvig Communications Systems; Cannon Valley Communications, Inc.; NPG Cable, Inc.; Cable One, Inc.; Mediacom Communications Corp.; Bresnan Communications; Cequel III Communications I, LLC (dba Cebridge Connections); Coxcom, Inc.; Hospitality Network, Inc.; New Destiny Internet Group LLC; Audio Communications, Inc.; VS Media Inc.; Ademia Multimedia LLC; AEBN, Inc.; Cyber Trend Inc.; Lightspeed Media Group, Inc.; Innovative Ideas International; Game Link Inc.; Club Jenna Inc.; Global AVS Inc.; ACMP LLC; Cybernet Ventures Inc.; National A-1 Advertising Inc.; AP Net Marketing, Inc., ICS, Inc., International Web Innovations, Inc., Offendale Commercial BV, AskCS.com, and Cable America, Inc. Although Defendants Insight Communications, Inc. and Bresnan Communications were sued in Round 3, they are joining the Rounds 1 and 2 Defendants' proposed constructions.

[2] The Round 3 Defendants, which were added to this MDL Proceeding on February 23, 2006, are two of the cable company defendants whom Acacia sued in New York in the third round of complaints: Time Warner Cable Inc. and CSC Holdings, Inc.

[3] Each defendant proposes definition of terms or limitations which are recited in claims asserted against it. Acacia and each defendant reserves the right to seek construction of additional claim terms, or propose a new construction of terms and limitations listed herein, should Acacia be permitted to assert additional claims against each defendant in the future.

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
1. "distribution method responsive to requests from a user identifying items in a transmission system containing information" '992 patent – 19 '275 patent - 2, 5	This preamble is not limiting.	The preamble is limiting and requires, inter alia, that the user's request identifies items, that the items are contained in the transmission system, and that the items contain information.	A user request must contain an identifier of physical items containing information that has not yet undergone the compression recited in the first storing step. The physical items must be in the transmission system such that this information can be retrieved from the physical items in response to user requests.
2. "remote locations" '992 patent – 19, 47 '275 patent – 2, 5	The term "remote locations" has already been construed by the Court to mean "positions or sites distant in space from the transmission system."	See construction of 'the remote location selected by the user" and "selected remote location" below.	See construction of "the remote locations selected by the user" and "selected remote location" elsewhere in this chart.
3. "storing, in the transmission system, information from items in a compressed data form, the information including an identification code	The phrase "storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks" means the act of storing information from at least a first item and a second item in the transmission	The identification code and ordered data blocks must be stored in a compressed data form. Otherwise, the phrase does not need further construction.	This claim term requires all of the following steps, in the stated order: i. obtaining information, including an identification code, from the plurality of (two or more) physical items; ii. placing the information that is obtained

[4] Pursuant to the Court's instructions at the February 24, 2006 scheduling conference, the Round 3 defendants will address terms the Court has previously construed (with respect to which the Round 3 defendants have not yet had the opportunity to be heard) during the August 11, 2006 Markman hearing. As such, the Round 3 defendants have not provided herein their positions on or proposed constructions of these previously-construed terms. The previously-construed terms (and/or portions thereof) which the Round 3 defendants presently intend to address at the August 11 hearing include: "transmission system"; "reception system" (and the related term "receiving system"); "storing items having information in a source material library"; "items containing information" (and the related term "items having information"); "remote locations" (as used in claim 41 of the '992 patent); "retrieving the information in the items from the library means" (and the related term "retrieving the information in the items from the source material library"); "assigning a unique identification code"; "placing the formatted data into a sequence of addressable data blocks" (and the related term "ordered data blocks"); "storing, as a file, the compressed, formatted, and sequenced data with the assigned unique identification code"; and "retrieve."

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and being placed into ordered data blocks" '992 patent – 19, 47 '275 patent – 2, 5	system. The stored information for each item is in a compressed data form and the stored information for each item is accompanied by an identification code. The phrase "being placed into ordered data blocks" means that the information for each item was placed into ordered data blocks (i.e., time encoded) prior to being compressed. The term "identification code" means an identifier which identifies information.		from the plurality of physical items into a single set of ordered data blocks; iii. compressing the information which is in the single set of ordered data blocks; and iv. storing the compressed information "in the transmission system."
4. "receiving system" '992 patent – 19, 47 '275 patent – 2, 5	The receiving system is an assembly of elements, hardware and software, capable of functioning together to receive information, store information, and play back information. "Playback" and "playing back" is the process of providing signals comprising video and/or audio information, wherein the signals can be displayed and/or heard on a device, such as an audio amplifier and/or television, or recorded. These terms are construed similarly in other claims.	Indefinite.	"Receiving system" in the '992 patent claims, for present purposes, should be construed to mean the same thing as "reception system," a term which the Court has already construed and about which TWC and CSC will be heard during the August 11, 2006 Markman hearing. For this reason, the construction of "receiving system(s)" in the '992 patent claims will be addressed on a schedule to be agreed upon for disclosure and briefing for the August 11 hearing. The construction of "receiving system" in the '275 patent claims is provided elsewhere in this chart, in the context of the language of those claims.
5. "items containing (or having) information" '992 patent – 19, 41, 47 '275 patent - 2, 5	The term "items containing (or having) information" does not require construction, however, an item containing information may be described as a thing containing information.	Physical objects on which information is stored, such as videotapes or laser disks.	"Items containing (or having) information" is a term which the Court has already construed, meaning TWC and CSC will be heard as to the construction of this term during the August 11, 2006 Markman hearing. For this reason, the construction of "items containing (or having) information" will be addressed on

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
			a schedule to be agreed upon for disclosure and briefing for the August 11 hearing.
6. "time requested by the user" '992 patent – 19, 47 '275 patent - 2, 5	The phrase "time requested by the user," as used in claims 19 and 47, means the time, after the transmitted information has been received and stored at the receiving system, when the user requests that the receiving system play back the received information.	The time specified by the user in a request sent to the transmission system.	The request by the user to the transmission system "for at a least a part of the stored information" must include a specific time supplied by the user specifying when playback is desired. (Systems which permit users only to request "play" for immediate playback do not satisfy this limitation.)
7. "user" '992 patent – 19, 47 '275 patent - 2, 5	The term "user" does not require construction, however, it may be described as one that uses.	A "user" is a subscriber or customer.	A user is a human.
8. "to one of the receiving systems at one of the remote locations selected by the user" ; "the receiving system at one of the remote locations selected by the user"; and "the receiving system at the selected remote location" '992 patent – 19, 47	The "remote location selected by the user" and the "selected remote location" are a site or position distant in space from the transmission system that is selected by the user from among two or more sites or positions distant in space from the transmission system.	The "remote location selected by the user" and the "selected remote location" are "A premises that the user specifies in the request, where one of the available options is a premises that is different from the premises where the user makes the request.	When the user requests "at least a part of the stored information," the user chooses the premises, from among a plurality of (two or more) premises, to which the information will be sent. Each of the premises from which the user chooses has a receiving system to which the information can be transmitted. The premises chosen by the user must be different from the premises at which the user makes the request. The request by the user to the transmission system "for at least a part of the stored information" must include an identification of the specific remote location selected by the user.
9. "sending at least a	The phrase "sending at least a portion of the	The term "sending at least a portion of the	The term "sending at least a portion of the

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
portion of the stored information from the transmission system" '992 patent – 19 '275 patent – 2, 5	stored information from the transmission system" does not require construction, however, it may be described as the act of sending the requested portion of the information that was stored in the transmission system in compressed data form.	stored information from the transmission system" means that, in response to the user request, at least a portion of the information from items in compressed data form that was stored in the transmission system must be retrieved from the device on which it was stored, then sent.	stored information from the transmission system" means that, in response to the user request, at least a portion of the information from items in compressed data form that was stored in the transmission system must be retrieved from the device on which it was stored, then sent.
10. The order of the steps of claim 19.	The steps of claim 19 of the '992 patent must be performed in the following order: 1. "storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks"; 2. "sending a request by the user to the transmission system . . ."; 3. "sending at least a portion of the stored information . . ."; 4. "receiving the sent information . . ."; 5. "storing a complete copy of the received information . . ."; and 6. "playing back the stored copy . . ."	The steps of claim 19 of the '992 patent must be performed in the following order: 1. storing information in the transmission system; 2. sending a request to the transmission system; 3. sending at least a portion of the stored information; 4. receiving the sent information; 5. storing a complete copy of the received information; and 6. playing back the stored copy. In addition, as part of the first step of storing information, the act of placing information including an identification code into ordered data blocks must occur prior to placing the information into a compressed data form.	The steps of claim 19 of the '992 patent must be performed in the order in which these steps are recited in the claim, namely: 1. "storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks"; 2. "sending a request, by the user to the transmission system . . ."; 3. "sending at least a portion of the stored information . . ."; 4. "receiving the sent information . . ."; 5. "storing a complete copy of the received information . . ."; and 6. "playing back the stored copy . . ." In addition, as part of the first step of storing information, the act of placing information including an identification code into ordered data blocks must occur prior to placing the information into a compressed data form.
11. "wherein the information in the items includes analog	The phrase "ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks"	"Addressable" means that there is a known association between each data block and its storage location so that the transmission	The information obtained from the plurality of physical items must include information in both analog and digital form, from which one

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and digital signals" and "ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks." '992 patent – 20	means the act of time encoding converted analog signals and formatted digital signals to create time encoded data blocks.	system can retrieve any individual data block by using its storage location.	set of sequenced and addressable data blocks must be formed. "Sequence of addressable data blocks" is a term which the Court has already construed, meaning TWC and CSC will be heard as to the construction of this term during the August 11, 2006 Markman hearing. For this reason, the construction of "sequence of addressable data blocks" will be addressed on a schedule to be agreed upon for disclosure and briefing for the August 11 hearing.
12. The order of the steps of claim 20.	In claim 20, the first storing step of claim 19 is comprised of the steps of claim 20. The steps of claim 20 must be performed in the following order: 1. "converting the analog signals . . ."; 2. "formatting the digital signals. . ."; 3. "ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks"; and 4. "compressing the ordered information." There is no limitation that any step of claim 20 begins and occurs only after a prior step or steps have been completed.	The steps of claim 20 of the '992 patent must be performed as part of the first step of storing in claim 19. The steps of claim 20 must be performed in the following order: 1. converting analog signals; 2. formatting the digital signals; 3. ordering the converted analog signals; and 4. compressing the ordered information. Defendants disagree with Acacia's statement that there is no limitation that any step of claim 20 begins and occurs only after a prior step or steps have been completed	The steps of claim 20 of the '992 patent must be performed as part of the first step of storing in claim 19. In addition, the steps of claim 20 must be performed in the order in which these steps are recited in the claim, namely: 1. "converting the analog signals. . ."; 2. "formatting the digital signals. . ."; 3. "ordering the converted analog signals and the formatted digital signals. . ."; and 4. "compressing the ordered information."
13. The order of the steps of claim 21.	The step of claim 21 is a substep of the first step of storing of claim 19. The substep of claim 21 can be performed either before, after, or simultaneously with the first step of storing of claim 19.	The step of claim 21 must be performed as part of the first step of storing of claim 19. Defendants disagree with Acacia's statement that the substep of claim 21 can be performed either before, after, or simultaneously with the first step of storing of claim 19	Claim 21 – The additional step of claim 21 is a substep of the first step of storing of claim 19. The substep of claim 21 must be performed after the steps set forth in the first step of storing in claim 19.

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
14. "the step of storing includes the step of storing the received information at the head end of a cable television reception system" '992 patent – 23	Claim 23 specifies that it is the second step of storing listed in claim 19 which includes the step of storing the received information at a cable head end.	Defendants agree with Acacia that "step of storing" here refers to the second "step of storing" in claim 19. "Received information" means the information that was received at the selected remote location.	There are two "storing" steps in claim 19, from which claim 23 depends. The "step of storing" recited in claim 23 refers to the second step of storing in claim 19 of "storing a complete copy of the received information in the receiving system at the selected remote location." Pursuant to claim 23, the head end is the "selected remote location." This claim term requires that when the user selects from among a plurality of (two or more) remote locations having receiving systems, the user selects that the requested information be sent to the head end of a cable television system for storage. The request by the user "for at least a part of the stored information" must include an identification of the head end to which the user wants the information sent.
15. The order of the steps of Claim 23	The step of claim 23 is part of the second step of storing listed in claim 19. The step of claim 23 is performed before the second step of storing of claim 19.	The step of claim 23 must be performed as part of the second step of storing of claim 19. Defendants disagree with Acacia's statement that the step of claim 23 is performed before the second step of storing of claim 19.	Claim 23 – The additional step of claim 23 further defines the second step of storing of claim 19.
16. "the step of storing includes the step of storing the received information in an intermediate storage device" '992 patent – 24	Claim 24 specifies that it is the second step of storing listed in claim 19 which includes the step of storing the received information in an intermediate storage device, i.e., a storage device (a device that stores) which is between the transmission system and the receiving system.	Defendants agree with Acacia that "step of storing" here refers to the second "step of storing" in claim 19. Defendants agree with Acacia that "intermediate storage device" means a storage device that is between the transmission system and the receiving system. "Received information" means the information that was received at the selected remote location.	There are two "storing" steps in claim 19, from which claim 24 depends. "The step of storing" recited in claim 24 refers to the second step of storing in claim 19 of "storing a complete copy of the received information in the receiving system at the selected remote location." Pursuant to claim 24, the "intermediate storage device" is at the "selected remote location." This claim term requires that when the user

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
			selects from among a plurality of (two or more) remote locations having receiving systems, the user selects that the requested information be sent to the "intermediate storage device" for storage. The request by the user "for at least a part of the stored information" must include an identification of the "intermediate storage device" to which the user wants the information sent. An "intermediate storage device" is a storage device at the remote location which is at a location other than where the user experiences the play back.
17. The order of the steps of Claim 24.	The step of claim 24 is part of the second step of storing listed in claim 19. The step of claim 24 is performed before the second step of storing of claim 19.	The step of claim 24 must be performed as part of the second step of storing of claim 19. Defendants disagree with Acacia's statement that the step of claim 24 is performed before the second step of storing of claim 19.	Claim 24 – The additional step of claim 24 further defines the second step of storing of claim 19.
18. "a method of transmitting information to remote locations, the transmission method comprising the steps, performed by a transmission system, of" and "comprises the steps, performed by a transmission system" '992 patent – 20, 41	These preambles are not limiting.	The preamble of claim 41 is a limitation, and requires, inter alia, that the steps of the claimed method must be performed by the transmission system.	All of the steps recited in claims 20 and 41 must be performed automatically by a transmission system (not by a human).
19. "sequence of	The phrase "sequence of addressable data	See construction of 'addressable' above in	"Sequence of addressable data blocks" is a

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
addressable data blocks" '992 patent – 41	blocks" has already been construed by the Court to mean time encoded data blocks.	term number 11.	term which the Court has already construed, meaning TWC and CSC will be heard as to the construction of this term during the August 11, 2006 Markman hearing. For this reason, the construction of "sequence of addressable data blocks" will be addressed on a schedule to be agreed upon for disclosure and briefing for the August 11 hearing.
20. "compressing the formatted and sequenced data blocks" '992 – 41	The phrase "compressing the formatted and sequenced data blocks" does not require construction, however, it may be described as the act of condensing the amount of data in the formatted and sequenced data blocks.	Does not need construction.	Compression begins and occurs only after the steps of "placing the retrieved information into a predetermined format as formatted data" and "placing the formatted data into a sequence of addressable data blocks" have been completed. The sequence of the formatted data blocks must be maintained by the compression process.
21. "sending at least a portion of the file to one of the remote locations" '992 patent – 41	The phrase "sending at least a portion of the file to one of the remote locations" does not require construction, however, it may be described as the act of sending (i.e., transmitting) a portion of a file or the entire file (i.e., a named collection of data) to one or more of the remote locations (i.e, one or more positions or sites distant in space from the transmission system).	The phrase "to one of the remote locations" means "to one and only one of the remote locations."	At least a portion of the file that was stored in the preceding step of claim 41 of "storing, as a file, the compressed, formatted and sequenced data blocks with the assigned unique identification code" is taken from the place where the information was stored in the preceding step of storing and sent to one of the remote locations.
22. The order of the steps of claim 41.	The steps of claim 41 of the '992 patent must be performed in the following order: 1. "storing items having information in a source material library"; 2. "retrieving the information . . ."; 3. "assigning a unique identification	The steps of claim 41 of the '992 patent must be performed in the following order: 1. storing items in a source material library; 2. retrieving the information; 3. assigning a unique identification	The steps of claim 41 of the '992 patent must be performed in the order in which these steps are recited in the claim, namely: 1. "storing items having information in a source material library"; 2. "retrieving the information. . ."; 3. "assigning a unique identification

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
	code. . ."; 4. "placing the retrieved information into formatted data. . ."; 5. "placing the formatted data into a sequence of addressable data blocks"; 6. "compressing the formatted and sequenced data blocks:; 7. "storing, as a file, . . ."; and 8. "sending at least a portion of the file. . .". There is no limitation that any step of claim 41 begins and occurs only after a prior step or steps have been completed.	code; 4. placing into formatted data; 5. placing into a sequence of addressable data blocks; 6. compressing; 7. storing; and 8. sending. Each step of claim 41 begins and occurs only after a prior step or steps have been completed.	code. . ."; 4. "placing the retrieved information into a predetermined format as formatted data"; 5. "placing the formatted data into a sequence of addressable data blocks"; 6. "compressing the formatted and sequenced data"; 7. "storing, as a file. . ."; and 8. "sending at least a portion of the file . . .".
23. The order of the steps of Claim 42.	The steps of claim 42 are part of the step of placing listed in claim 41 relating to "placing the retrieved information into a predetermined format as formatted data." The steps of claim 42 must be performed in the following order: 1. A/D converting analog signals into a series of digital data bytes; and 2. Converting the series of digital data bytes into formatted data. The steps of claim 42 are performed either before, after, or simultaneously with the step of placing into a predetermined format of claim 41.	The steps of claim 42 must be performed as part of "the placing the retrieved information into a predetermined format as formatted data" step of claim 41. The steps of claim 42 must be performed in the following order: 1. A/D converting analog signals into a series of digital data bytes; 2. Converting series of digital data bytes into formatted data. Defendants disagree that the steps of claim 42 are performed either before, after, or simultaneously with the step of placing into a predetermined format of claim 41.	Claim 42 – The additional steps of claim 42 further define the placing the retrieved information step of claim 41. In addition, the steps of claim 42 must be performed in the order in which these steps are recited in the claim, namely: • "A/D converting analog signals. . ."; • "converting the series of digital data bytes . . .".
24. The order of the steps of Claim 43.	The steps of claim 43 are part of the step of placing listed in claim 41 relating to "placing the retrieved information into a	The steps of claim 43 must be performed as part of "the placing the retrieved information into a predetermined format as formatted	Claim 43 – The additional steps of claim 43 further define the "placing the retrieved information. . ." step of claim 41. In addition,

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
	predetermined format as formatted data." The steps of claim 43 must be performed in the following order: 1. Converting digital signals into predetermined voltage levels; and 2. Converting the predetermined voltage levels into formatted data. The steps of claim 43 are performed either before, after, or simultaneously with the step of placing into a predetermined format of claim 41.	data" step of claim 41. The steps of claim 43 must be performed in the following order: 1. Converting digital signals into predetermined voltage levels; 2. Converting the predetermined voltage levels into formatted data. Defendants disagree that the steps of claim 43 are performed either before, after, or simultaneously with the step of placing into a predetermined format of claim 41.	the steps of claim 43 must performed in the order in which these steps are recited in the claim, namely: • "converting digital signals. . ."; • "converting the predetermined voltage levels. . ."
25. The order of the step of claim 44.	The step of claim 44 of the '992 patent is part of the step of "step of placing the retrieved information into a predetermined format as formatted data" in claim 41. The step of claim 44 is performed either before, after, or simultaneously with the step of placing into a predetermined format of claim 41.	The step of claim 44 of the '992 patent must be performed as part of the step of "step of placing the retrieved information into a predetermined format as formatted data" in claim 41. Defendants disagree that the step of claim 44 is performed either before, after, or simultaneously with the step of placing into a predetermined format of claim 41.	The step of claim 44 of the '992 patent is part of the step of "step of placing the retrieved information into a predetermined format as formatted data" in claim 41.
26. "separately storing a plurality of files, each including compressed, sequenced data blocks" '992 patent – 45	The phrase "separately storing a plurality of files, each including compressed, sequenced data blocks" means the act of storing more than one file, wherein each file is stored separately (i.e., individually or independently from) the other stored files.	Indefinite.	Indefinite.
27. The order of the step of claim 45.	The step of claim 45 is part of the "storing, as a file, . . ." step of claim 41. The step of claim 45 is performed either before, after, or simultaneously with the "storing, as a file, . .	If the Court finds that claim 45 of the '992 patent is not indefinite, then the step of claim 45 must be performed as part of the "storing	If the Court finds that claim 45 of the '992 patent is not indefinite, then the step of claim 45 must be performed as part of the "storing

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	." step of claim 41.	as a file" step of claim 41. Defendants disagree that the step of claim 45 is performed either before, after, or simultaneously with the 'storing, as a file...." step of claim 41.	as a file" step of claim 41.
28. "receiving transmission requests to transmit available items" '992 patent – 46	The phrase "receiving transmission requests to transmit available items" means the act of receiving requests, wherein the requests seek the transmission of available items, i.e., items which have been stored as files.	Indefinite.	Indefinite.
29. The order of the steps of claim 46.	The steps of claim 46 are not part of any specific step of claim 41. The steps of claim 46 are performed in the following order and each may be performed before, after, or simultaneously with any other step of claim 41: 1. "generating a listing of available items"; 2. "receiving transmission requests to transmit available items"; and 3. "retrieving stored formatted data blocks corresponding to requests from users".	If the Court finds that claim 46 of the '992 patent is not indefinite, the steps of claim 46 must be performed in the following order: 1. generating a listing of available items; 2. receiving transmission requests; and 3. retrieving stored formatted data blocks.	If the Court finds that claim 46 of the '992 patent is not indefinite, the steps of claim 46 must be performed in the order recited in the claim, namely: 1. "generating a listing of available items"; 2. "receiving transmission requests. . ."; and 3. "retrieving stored formatted data blocks. . .".
30. "storage means in the transmission system for storing information from the items in a compressed data form, in which the information includes an	Acacia does not interpret this claim phrase as a means-plus-function phrase under 35 U.S.C. § 112, ¶ 6, because the term "storage" is sufficient structure for performing the claimed function and therefore the presumption is overcome. However, if the Court were to construe this	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

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identification code and is placed into ordered data blocks" '992 patent – 47	phrase under 35 U.S.C. § 112, ¶ 6, the structure described in the specification of the '992 patent for performing the claimed function is a compressed data library (118) and all equivalents. The compressed data library may be a mass storage device or a network of mass storage devices connected together via a high speed network and all equivalents. The compressed data library may also be comprised of Winchester drives, magneto-optical disks, or cassette tapes and all equivalents. ('992 patent, 10:17-45; 12:48-57; 13:9-47; 19:11-20; Fig. 2a, reference no. 118, and Fig. 5, reference no. 5040). The term "identification code" means an identifier which identifies information. The phrase "storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks" means the act of storing information from items in the transmission system. The stored information is in a compressed data form and includes an identification code. The phrase "being placed into ordered data blocks" means that the information was placed into ordered data blocks (i.e., time encoded) prior to being compressed.		
31. "requesting means in the transmission system, coupled to the storage means, for	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the requesting means are the library access interface (121) and all	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

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receiving requests from a user for at least a part of the stored information to be transmitted to the receiving system at one of the remote locations selected by the user" '992 patent – 47	equivalents, as described in the specification at 13:29 – 15:32 and 17:44-53 and shown in Figure 2b, reference no. 121.		
32. "transmission means in the transmission system, coupled to the requesting means, for sending at least a portion of the stored information to the receiving system at the selected remote location" '992 patent – 47	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the transmission means are a transmitter, transceiver, cable television transmitter, modem, broadcast television transmitter, data coupler, satellite transmitter, telephone transceiver (See, e.g., reference no. 200d of Fig. 1g and reference no. 122 of Fig. 2b) and all equivalents, as described in the '992 patent at 4:52-63, 15:61 – 17:24, and 19:57-20:5 and shown in Figures 1g, 2b, and 8e.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.
33. "receiving means in the receiving system for receiving the transmitted information" '992 patent – 47	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the receiving means are a transceiver (201) and all equivalents, as described in the '992 patent at 17:1-24; 17:67 – 18:14 and shown in Figure 6, reference no. 201.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6. The function of the receiving means is "receiving the transmitted information." The "receiving means" correspondence to the combination of transceiver 201 and "receiver format conversion" 202, shown in Figure 6 and all structural equivalents. The receiving means is in the receiving system.

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
34. "memory means in the receiving system, coupled the receiving means, for storing a complete copy the received information" '992 patent – 47	Acacia does not interpret this claim phrase as a means-plus-function phrase under 35 U.S.C. § 112, ¶ 6, because the term "memory" is sufficient structure for performing the claimed function and therefore the presumption is overcome. However, if the Court were to construe this phrase under 35 U.S.C. § 112, ¶ 6, the structures described in the specification of the '992 patent for performing the claimed function are storage (203 and 200c) and all equivalents, as described in the specification at 4:64 – 5:33, 18:14-21, and 19:30-34 and shown in Figures 1f, reference no. 200c and 6, reference no. 203.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6. The function of the memory means is "storing a complete copy the received information." The "memory means" corresponds to storage 203, shown in Figure 6, and to storage 200c, shown in Figure 1f and all structural equivalents. The memory means is in the receiving system.
35. "playback means in the receiving system, coupled to the memory means, for playing back the stored copy of the received information at a time requested by the user" '992 patent – 47	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the playback means is a data formatter 204, an audio decompressor 209 and/or a video decompressor 208, and converter 206, which includes one or more of the following: digital video output converter 211, analog video output converter 213, digital audio output converter 212, and analog audio output converter 214, and all equivalents, as described in '992 patent at 18:22-45.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.
36. "conversion means, for converting the analog signals of the information to digital components"	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the conversion means for converting analog signals are the analog audio converter (123a) and/or the analog video converter (123b) and all equivalents	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
'992 patent – 48	described in the specification at 7:12-26 and shown in Figure 2a, reference nos. 123a and 123b.		
37. "formatting means, coupled to the conversion means, for formatting the digital signals of the information" '992 patent – 48	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the formatting means for formatting digital signals are either the digital audio formatter (125a) or the digital video formatter (125b), and all equivalents, described in the specification at 7:1-11 and shown in Figure 2a, reference nos. 125a and 125b.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.
38. "ordering means, coupled to the formatting means, for ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks" '992 patent – 48	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the ordering means is the time encoder (114), and all equivalents, as described at 7:59-8:56, 18:69-19:4, and 19:37-56, and shown in Figure 2a, reference no. 114 and Figure 7, reference no. 413c, and Figures 8a-c.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.
39. "compression means, coupled to the ordering means, for compressing the ordered information" '992 patent – 48	This term is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for compressing the ordered information is a compressor (116) (an audio compressor 128 and/or a video compressor 129), and all equivalents, as described in the specification at 9:41-10:16 and 19:5-10 and shown in Figure 2a,	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
	reference no. 116.		
40. A distribution system as recited in claim 47, wherein the memory means includes a means for receiving information at the head end of a cable television reception system" '992 patent – 49	The term "means for receiving information at the head end of a cable television reception system" is construed under 35 U.S.C. § 112, ¶ 6. The structures described in the specification for the claimed function is a transceiver (201), and all equivalents, as described in the specification at 4:14-5:33, 17:1-24, and 17:67-18:14 and shown in Figures 1d-1g and 6.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.
41. "A distribution system as recited in claim 49, wherein the head end of the cable television system includes means for distributing compressed signals" '992 patent – 51	The term "means for distributing" is construed under 35 U.S.C. § 112, ¶ 6. The structures disclosed in the '992 patent specification for the means for distributing are a cable television transmitter (See, e.g., reference no. 122 of Fig. 2b), and all equivalents, as described in the '992 patent at 15:61 – 17:24, and 19:57-20:5 and shown in Figures 2b, 6, and 8e.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.
42. "A distribution system as recited in claim 49, wherein the head end of the cable television system includes means for decompressing the received signals and for distributing the decompressed received signals and compressed received	The term "means for decompressing" is construed under 35 U.S.C. § 112, ¶ 6. The structure described in the specification for the claimed function is a decompressor (208 and/or 209) and a cable television transmitter, and all equivalents, as described in the specification at 18:27-35 and shown in Figures 1d-1g and 6.	This element is governed by § 112, ¶ 6, and is indefinite.	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
signals" '992 patent – 52			
43. A distribution system as recited in claim 47, wherein the memory means is an intermediate storage device" '992 patent – 53	An "intermediate storage device" is a storage device (i.e., a device that stores) which is between the transmission system and the receiving system.	The element as a whole is indefinite. But Defendants agree with Acacia that "intermediate storage device" means a storage device that is between the transmission system and the receiving system.	See construction of "the step of storing includes the step of storing the received information in an intermediate storage device" elsewhere in this chart.
44. "reception system associated with a receiving system at one of the remote locations selected by the user" '275 patent – 2, 5	The "remote location selected by the user" is a site or position distant in space from the transmission system that is selected by the user from among two or more sites or positions distant in space from the transmission system. There is a receiving system at the selected remote location. The receiving system is an assembly of elements, hardware and software, capable of functioning together to receive information. There is a reception system associated with the receiving system. The reception system is an assembly of elements, hardware and software, capable of functioning together to receive information, store information, and play back information.	Indefinite.	See construction of "remote locations selected by the user" elsewhere in this chart.
45. "sending a request, by the user to the transmission system, for at least a part of the stored information	The phrase "sending a request, by the user to the transmission system, for at least a part of the stored information to be transmitted to a reception system associated with a receiving system" means that the user sends a request	Indefinite.	When the user requests "at least a part of the stored information," the user chooses the premises, from among a plurality of (two or more) premises, to which the information will be sent. Each of the premises from which the

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
to be transmitted to a reception system associated with a receiving system at one of the remote locations selected by the user" '275 patent – 2, 5	to the transmission system. The request seeks the transmission of a part of the information stored in the transmission system to a reception system associated with a receiving system.		user chooses has a receiving system to which the information can be transmitted. The premises chosen by the user must be different from the premises at which the user makes the request. The request by the user to the transmission system "for at least a part of the stored information" must include an identification of the specific remote location selected by the user. The "reception system" must be located at the head end of a cable television system.
46. "playing back the stored copy of the information from the reception system to the receiving system at the selected remote location at a time requested by the user" '275 patent – 2	The phrase "playing back the stored copy of the information from the reception system to the receiving system at the selected location at a time requested by the user" means providing signals to the receiving system in a format such that the signals may be displayed and/or heard on a device, such as an audio amplifier and/or television or recorded at a time, after the transmitted information has been received and stored at the reception system, when the user requests to view the information.	Indefinite.	The reception system must play back the stored copy directly onto the receiving system. The "receiving system" must be a device on which playback can occur - a device which itself can display video content or play audio content directly to a user, such as a television or a radio. (The "receiving system" cannot be a set top box.) "Playback" and "playing back" refer to the process of sending uncompressed signals to a device, such as an audio amplifier and/or television, on which video information can be displayed and/or audio information heard. These terms are construed similarly in other claims of the '992 and '275 patents. See also the construction of "time requested by the user" elsewhere in this chart.
47. "sending at least a portion of the stored information from the	The phrase "sending at least a portion of the stored information to the reception system" means the act of sending (i.e., transmitting) a	Indefinite.	See construction of "sending at least a portion of the stored information from the

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
transmission system to the reception system..." '275 patent – 2 and 5	portion of the stored information or all of the stored information to the reception system.		transmission system" elsewhere in this chart.
48. "playing back the stored copy of the information sent over a cable communication path from the reception system to the receiving system at the selected location at a time requested by the user" '275 patent – 5	The phrase "playing back the stored copy of the information sent over a cable communication path from the reception system to the receiving system at the selected location at a time requested by the user" means providing signals to the receiving system in a format such that the signals may be displayed and/or heard on a device, such as an audio amplifier and/or television or recorded at a time, after the transmitted information has been received and stored at the reception system, when the user requests to view the information.	Indefinite.	See construction of "playing back the stored copy of the information from the reception system to the receiving system at the selected remote location at a time requested by the user" elsewhere in this chart. "A cable communication path" does not require construction.
49. The order of the steps of claims 2 and 5. '275 patent – 2, 5	The steps of claims 2 and 5 of the '275 patent must be performed in the following order: 1. "storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks"; 2. "sending a request . . ."; 3. "sending at least a portion of the stored information. . ."; 4. "receiving the sent information. . ."; 5. "storing a complete copy. . ."; and	The steps of claims 2 and 5 of the '275 patent must be performed in the following order: 1. storing information; 2. sending a request; 3. sending at least a portion of the stored information; 4. receiving the sent information; 5. storing a complete copy; and 6. playing back the stored copy. In addition, within the first step of storing information, the act of placing information including an identification code into ordered data blocks must occur prior to placing the	The steps of claims 2 and 5 of the '275 patent must be performed in the order in which these steps are recited in the claims, namely: 1. "storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks"; 2. "sending a request, by the user to the transmission system . . ."; 3. "sending at least a portion of the stored information . . ."; 4. "receiving the sent information . . ."; 5. "storing a complete copy of the

Patent Claim Term	Acacia's Proposed Definitions	Rounds 1 and 2 Defendants	Round 3 Defendants[4]
	6. "playing back the stored copy. . .".	information into a compressed data form.	received information . . ."; and 6. "playing back the stored copy . . ." In addition, within the first step of storing information, the act of placing information including an identification code into ordered data blocks must occur prior to placing the information into a compressed data form.

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